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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Jaysen Patterson,

Plaintiff,

vs.

Brian Williams, Sr., et al.,

Defendants.

2:23-cv-00735-CDS-MDC

**ORDER GRANTING AND DENYING IN
PART PLAINTIFF’S MOTION FOR
CLARIFICATION RE SERVICE ON
DEFENDANT LOMBARDO**

And

**ORDER TO SHOW CAUSE WHY
DEFAULT SHOULD NOT BE ENTERED
AGAINST DEFENDANT LOMBARDO**

Plaintiff’s *Motion for Clarification Regarding Service on Defendant Joseph Lombardo* (ECF No. 51)(“Motion”) is GRANTED IN PART and DENIED IN PART. The Court issues an Order to Show Cause pursuant to plaintiff’s Motion. The Court Denies Plaintiff’s Motion in all other aspects.

The Court’s docket indicates that Defendant Lombardo was served with a copy of plaintiff’s complaint and summons by the US Marshal on May 1, 2024 at 2:19pm. See ECF No. 32. More than 21 days have passed since such service and, according to the Court’s record, Defendant Lombardo has not filed a response to plaintiff’s complaint.

IT IS SO ORDERED THAT:

1. Plaintiff Patterson’s *Motion Regarding Service on Defendant Joseph Lombardo* (ECF No. 51)(“Motion”) is GRANTED IN PART and DENIED IN PART as specified in this Order.
2. Defendant Lombardo shall SHOW CAUSE by no later than **December 9, 2024**, why default should not be entered against him.

1 3. The Clerk of Court is directed to mail a copy of this Order to defendant Lombardo at the address
2 filed under seal at ECF No. 31.

3 **NOTICE**

4 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and
5 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk
6 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal
7 may determine that an appeal has been waived due to the failure to file objections within the specified
8 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file
9 objections within the specified time and (2) failure to properly address and brief the objectionable issues
10 waives the right to appeal the District Court's order and/or appeal factual issues from the order of the
11 District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch.*
12 *Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Pursuant to LR IA 3-1, plaintiffs must immediately file written
13 notification with the court of any change of address. The notification must include proof of service upon
14 each opposing party's attorney, or upon the opposing party if the party is unrepresented by counsel.

15 **Failure to comply with this rule may result in dismissal of the action.**

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17 It is so ordered.

18 DATED: November 7, 2024.

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21 _____
22 Hon. Maximiliano D. Couvillier III
23 United States Magistrate Judge
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